

Applicant's Response to Office Action of 08/21/2008

1. Objection to Claim 12. The Office Action of 08/21/2008 in the above-reference case (hereinafter "Office Action") objected to Claim 12 because of the informality of the claim reciting "{IVR}" in the abbreviated form that needed to be clearly defined. The Applicant has amended claim 12 accordingly and respectfully requests that the Examiner finds this objection is now traversed.
2. Objection to Drawings. The Office Action objected to the drawings under 37 CFR 1.83(a). In response the Applicant has submitted corrected drawings (Figures 1 to 14 inclusive) in compliance with 37 CFR 1.121(d) and respectfully requests that the Examiner finds this objection is now traversed.
3. Double Patenting Rejections. The Office Action rejected to claims 1-16 on the basis of nonstatutory double patenting rejections based on five commonly owned pending applications, 11/627636, 11/627609, 11/627590, 11/627596 and 10/554926 (10/554926 being incorrectly identified in Section 8 of the Office Action as 11/627926 or 11/627596).

As all the pending applications are commonly owned, the Applicant has filed a single terminal disclaimer with an accompanying terminal disclaimer fee in response to the Double Patenting Rejections in the Office Action. This response is permitted under MPEP 804.02 IV which states:

"If multiple conflicting patents and/or pending applications are applied in double patenting rejections made in a single application, then prior to issuance of that application, it is necessary to disclaim the terminal part of any patent granted on the application which would extend beyond the application date of each one of the conflicting patents and/or applications. A terminal disclaimer fee is required for each terminal disclaimer filed. To avoid paying multiple terminal disclaimer fees, a single terminal disclaimer based on common ownership may be filed, for example, in which the term disclaimed is based on all the conflicting, commonly owned double patenting references." Similarly, a single terminal disclaimer based on a joint research agreement may be filed, in which the term disclaimed is based on all the conflicting double patenting references."

Accordingly having filed an appropriate multiple terminal disclaimer as permitted under MPEP 804.02 IV the Applicant now respectfully requests that the Examiner finds the nonstatutory double patenting rejections based on the five common owned pending applications, (11/627636, 11/627609, 11/627590, 11/627596 and 10/554926) are now traversed.

4. Claim 102 rejections. The Office Action rejected to claims 1-3, 7-8 and 12, 13 and 16 under 35 U.S.C. 102(e) as being anticipated by Helferich, U.S. Patent 6,826,407 B1 (hereinafter "Helferich"). In response the Applicant has amended claims 1, 2 and 12. In addition, the Applicant argues that the claims are patentably distinguishable from the prior art for the following reasons:

Claim 1

In rejecting Claim 1 under 35 U.S.C. 102(e), Section 10 of the Office Action at page 12 lines 11-12 states:

"wherein the GUI lists any voice messages that have been converted to text format (See Helferich e.g. a converts the voice message to an acceptable format, Co 17, Lines 24-27, Also See read/convert step 648 of Fig. 618 of Fig. 6B, step 648 of Fig. 6C)".

The Applicant notes the prior art reference cited in this passage reads as follows: "The VMG 520 converts the recorded voice message to an acceptable Internet and messaging device format..."

Helferich Co 17, Lines 24-27. The Applicant also notes that in Helferich at Col. 16, lines 6-14 there is a disclosure of the VMG convert process which states:

"The VMG 520 converts the voice message to a conventional audio file format suitable for transmission over the Internet 120 and reproduction by the destination messaging device 105. An example of a conventional audio file format is the ".wav" format developed by Microsoft. The VMG 520 also creates an e-mail message comprising the converted voice message and uses the addressing information to address the e-mail. The converted voice message can be stored in a file and attached to the e-mail message." Helferich at Col. 16, lines 6-14.

Accordingly the VMG convert process described in Helferich merely converts the format of the audio file to an audio format that is acceptable for transmission over the internet, such as the ".wav" format. Nowhere in Helferich does the prior art discuss the process of converting the content of the voice message into a comparable text message.

As the convert process in Helferich is completely different from the convert process as described in the current invention at paragraphs [0043], [0051], [0070], and [0093] it is Applicant's position that the 35 U.S.C. 102(e) rejection of Claim 1 lacks merit and is hereby traversed. In claim 1 "converting"

means the process of transcribing the content of the voice message into a text message. The Applicant further notes that in the specification the terms “converting” or “transcribing” are used interchangeably to discuss the same process: i.e. the process of transcribing or converting the content of the voice message into a text message. Accordingly the applicant has amended claim 1 by changing the word “conversion” into “transcription” in order to distinguish this process from the convert process in Helferich.

Further, the Applicant respectfully disagrees with the conclusion of the Office Action that Helferich anticipates Claim 1 under 35 U.S.C. 102(e). The Applicant respectfully notes that the invention in Helferich identified at least two different devices (a communication device and an integrated mail gateway) to process two different types of messages (audio messages and visual messages):

“The present invention provides a communication system for integrating audio and visual messaging. The communication system includes a communication device for receiving visual messages and for transmitting voice messages to a recipient, and an integrated mail gateway for receiving from the communication device a voice message and addressing information. The integrated mail gateway is programmed to create an electronic mail (hereinafter “e-mail”) message comprising the voice message.” Helferich at Col. 3, 19-27.

It is the Applicant’s position that the Office Action incorrectly reached a conclusion of anticipation under 35 U.S.C. 102(e) because the analysis incorrectly combined the different functions of the separate devices, i.e. the communication device and the integrated mail gateway, in order to support its analysis. In rejecting Claim 1 under 35 U.S.C. 102(e), Section 10 of the Office Action at page 12 lines 4-8 states:

“the GUI individually listing remotely stored (See Helferich e.g. 510 of Fig. 5, the voice messages received and stored, Co. 13, Lines 43-45) voice messages in a (See Helferich e.g. display stored visual message, Co 9, Lines 7-10) menu list, the voice messages being meant for a user of the mobile telephone (See Helferich e.g. address list is a visual message, Co. 18 Lines 43-46, menu option, Co. 6, Line 7);”

The Applicant does not dispute that the invention in Helferich remotely stores the voice messages in the integrated mail gateway (IMG) 150 that “comprises a voice mail system (VMS) 510 networked to a voice mail gateway (VMG) 520.” Helferich Col. 13, lines 22-24; however, the communication device

does not display remotely stored voice messages as stated above, the communication device only displays visual messages.

Further, the address list cited above is not a menu list of the remotely stored voice messages. As stated in the Office Action "address list is a visual message Col 18, lines 43-46 " and not a remotely stored voice message.

Accordingly it is Applicant's position that the Examiner's 102(e) rejections to claim 1 have now been traversed and should be granted. Further as claims 2-9, 12-13 and 15-16 are all dependent on claim 1 it is the Applicant's position that these depended claims should be granted accordingly.

Claim 2

In rejecting Claim 2 under 35 U.S.C. 102 the Office Action at Page 12 lines 22-24 claims that Helferich at Col. 2, lines 55-57 teaches the GUI enabling the user to configure call diversion behaviour; however, the citation quote describes the standard functions of a phone call being diverted to a voice messaging system. The citation quoted by the examiner does not teach the GUI enabling the user to configure call diversion behaviour.

Accordingly it is Applicant's position that the Examiner's 102(e) rejections to claim 2 have now been traversed and should be granted.

Claim 3

In rejecting Claim 3 under 35 U.S.C. 102 the Office Action at Page 12 lines 25-28 claims that Helferich at 510 of Fig. 5, and Col. 13, Lines 43-45 teaches the menu list of remotely stored voice messages is generated after the mobile phone connects to the voicemail server; however, as explained in the argument for Claim 1 above, the citation only applies to the integrated mail gateway which stores the voice messages. There is no teaching of the menu list as claimed.

Accordingly it is Applicant's position that the Examiner's 102(e) rejections to Claim 3 have now been traversed and should be granted.

Claim 7

In rejecting Claim 7 under 35 U.S.C. 102 the Office Action at Page 13 lines 1-3 claims that Helferich teaches the GUI lists the name of a person leaving a voice message or their telephone number; however the citation relied on to establish prior art only applies to refers to extracting information from visual messages, not voice messages.

Accordingly it is Applicant's position that the Examiner's 102(e) rejections to Claim 7 have now been traversed and should be granted.

Claims 8, 12, 13 and 16

As Claims 8, 12, 13 and 16 are all dependent on claim 1 and all objections and rejections to claim 1 have been traversed it is the Applicant's position that Claims 8, 12, 13 and 16 should be granted accordingly.

5. Claim 103 rejections. Section 12 of the Office Action rejected to claims 4-6, 9 and 15 under 35 U.S.C. 103(a) as being unpatentable over Helferich in view of Siedlikowski et al. U.S. Patent 6,741,232 B1 (hereinafter "Siedlikowski"). In response the Applicant argues that these claims are patentably distinguishable from the prior art for the following reasons:

Claims 4-6, 9 and 15

As Claims 4-6, 9 and 15 are dependent on claim 1 and the objections and rejections to claim 1 have been traversed it is the Applicant's position that all claims should be granted.

In addition the Applicant disagrees with the Office Action's general supposition that the combination of Helferich and Siedlikowski makes Claims 4-6, 9 and 15 obvious. As explained above the mobile communication device in Helferich did not display remotely stored voice messages, it only displayed visual messages. Likewise Siedlikowski only processes and displayed visual messages. Further neither Helferich nor Siedlikowski provided any teaching about "displaying remotely stored voice messages in a menu list".

6. Allowable Subject Matter. Section 13 of the Office Action at page 16 stated Claims 10 and 11 "would be allowed if rewritten in independent form including all the limitations of the base claim and any

Application Number 10/554,115

intervening claims". In response the Applicant has amended Claim 10 to an independent form for the Examiner's consideration and respectfully requests that Claims 10 and 11 should be granted accordingly.

Respectfully Submitted

/Mark D. Fox/

Mark D. Fox
Reg. No. 38, 677